

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

W.L.ROUSE III D/B/A THE ROUSE  
COMPANIES; G.F. VAUGHAN TOBACCO  
COMPANY, INC.; AND TODDS ROAD  
DEVELOPMENT CORPORATION

COMPLAINANTS

v.

BLUE SKY SEWER SERVICE COMPANY

DEFENDANT

CASE NO. 97-067

O R D E R

Blue Sky Sewer Service Company ("Blue Sky Sewer") having answered the Complaint and it appearing that issues of law and fact are in dispute, the Commission finds that a formal hearing in this matter should be held and a procedural schedule should be established. The Commission further finds that Complainant's Motion for an Order prohibiting the termination of service should be granted.

IT IS THEREFORE ORDERED that:

1. Complainants' Motion for an Order prohibiting the termination of service is granted.
2. Pending final resolution of this proceeding, Blue Sky Sewer shall not terminate sanitary sewer service to the Complainants for non-payment of the disputed charges, for failure to execute the "Addenda" to User Agreement, or for failure to apply

for a permit. Blue Sky Sewer shall also refrain from taking any action to collect any of the disputed fines which are the subject of this proceeding.

3. A formal hearing in this matter shall be held on June 30, 1997 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, and continuing until completed.

4. Each party may, on or before April 14, 1997, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

5. Each party may, on or before May 5, 1997, serve upon any other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 10 days of service.

6. Each party may, on or before May 19, 1997, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

7. Each party may, on or before May 26, 1997, serve upon any other party a written request for admission, for purposes of this proceeding only, of the truth of any matter relevant to this proceeding set forth in the request that relates to statements or opinions of fact or of the application of law to fact. The matter is admitted unless, within 10 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection. The form of the request for admission and the answer or objection thereto shall otherwise be governed by Kentucky Civil Rule 36.

8. Each party shall, on or before June 13, 1997, serve upon the other parties a written summary of the testimony of these witnesses which it expects to call at the formal hearing, copies of all exhibits to be introduced at that hearing, and all preliminary motions and objections, except objections to exhibits. All exhibits shall be appropriately marked.

9. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission.

10. As the Complainants bear the burden of proof in this matter, their failure to appear at the formal hearing and to present proof in support of their Complaint may result in the dismissal of their Complaint with prejudice.


11. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting Complainants' requested relief.

Done at Frankfort, Kentucky, this 3rd day of April, 1997.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director